



**MICHAEL A. CARDOZO**  
*Corporation Counsel*

**THE CITY OF NEW YORK  
LAW DEPARTMENT**

100 CHURCH STREET  
NEW YORK, N.Y. 10007-2601

**ALAN H. KLEINMAN**  
*Senior Counsel*  
Affirmative Litigation Division  
Telephone No.: (212) 788-1012  
Telecopier No.: (212) 788-1633  
[akleinma@law.nyc.gov](mailto:akleinma@law.nyc.gov)

September 7, 2011

**VIA EMAIL (gkushner@goetzfitz.com), (rcoleman@goetzfitz)**

Gary M. Kushner, Esq.  
Ronald D. Coleman  
Goetz Fitzpatrick LLP  
One Penn Plaza  
New York, NY 10119

Re: In re OTR Media Group, Inc., Bankr. Case No. 1-11-47385 (EDNY) (ESS)

Gentlemen:

We have taken a preliminary look at the lease agreements you provided us today. (We are still awaiting the eighth agreement.) Based on that review, it appears that six of the seven agreements are with an entity other than OTR Media Group, Inc. Thus, there is no indemnification agreement between the debtor and the property owners in these instances. In addition, the indemnification paragraph that you pointed to in the Adversary Complaint as "typical" and in your Memorandum of Law as applicable to all the lease agreements appears in only two of the agreements.

It thus appears that the Complaint and the preliminary injunction papers contain serious misrepresentations. We therefore ask that you immediately withdraw the motion and discontinue the adversary proceeding. Kindly let us know by tomorrow if you will do so.

Sincerely yours,

Alan H. Kleinman